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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,380	09/30/2003	Jeyhan Karaoguz	14763US02	6855
23446 7590 11/01/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER CHU, WUTCHUNG	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/675,380

Applicant(s)

KARAOGUZ ET AL.

Examiner

Wutchung Chu

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. This communication is in response to application's amendment filed on 8/21/2007. Claims 1-31 are pending.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Doi et al. (US6970919).

**Regarding claim 1**, Doi et al. teaches a method and system for network management (**see column 2 line 21-31**) comprising:

- establishing a second communication path (**see col.15 line 37 – 65 edge 1 and edge 7 via nodes F, I, G, and J and figure 26**) that is independent of a first communication path (**see col.14 line 45 – col. 15 line 36 edge 1 and edge 7 via node A, node D and node G and node J and figure 25**) that couples at least two end points via at least a first broadband network (**see figure 25 and 26**); and

- transferring information that would be normally transferred over the first communication path between the at least two endpoints via the established second communication path (**see column 15 line 60-65 and figure 26 from edge 1 (1) and the edge (7) via the link (1), the node A, the link (a1), the node F, the virtual link, the node G, the link (a10), the node J, and the link (j)).**

**Regarding claim 2**, Doi et al. teaches further comprising provisioning the established second communication path for handling communication functions (**see column 4 line 29-34**).

**Regarding claim 3**, Doi et al. teaches provisioned communication functions further comprises at least one of operations administration maintenance and provisioning (OAM&P), roaming, user authentication (**see column 12 line 44-49**), media transfer(**see column 4 line 29-34**), caching, storage management (**see column 4 line 5**) and addressing management (**see column line 24-33**).

**Regarding claim 4**, Doi et al. teaches further comprising temporarily storing the information during the transferring of the information between the at least two endpoints via the established second communication path (**see column 4 line 24-28**).

**Regarding claim 5**, Doi et al. teaches the first communication path is a physical communication path (**see column 15 line 13-18 and figure 25**).

**Regarding claim 6**, Doi et al. teaches the second communication path is a logical communication path path (**see column 15 line 60-65 and figure 26 from edge**

**1 (1) and the edge (7) via the link (1), the node A, the link (a1), the node F, the virtual link, the node G, the link (a10), the node J, and the link (j)).**

**Regarding claim 7, Doi et al. teaches the second communication path is at least one of a circuit switched connection and a packet switched connection (see column 4 line 66 PBX switches connected via ATM switches).**

**Regarding claim 8, Doi et al. teaches the at least two endpoints comprises a first source endpoint and at least a first destination endpoint (see figure 25 edge 1 and edge 7 and column 15 line 1-36).**

**Regarding claim 9, Doi et al. teaches the at least two endpoints is at least one of media processing systems, media peripherals (see column 5 line 3), personal computers, third (3<sup>rd</sup>) party media providers (see column 4 line 5-6 and figure 1 box 3-1, 3-2, and 3-3), third (3<sup>rd</sup>) party storage vendors (see figure 1 box 2) and channel information servers (see figure 2 box 13 VOD service).**

**Regarding claim 10, Doi et al. teaches the second and the first communication path comprises at least one of a wired (see column 4 line 17 links) and a wireless communication link.**

**Regarding claims 11-20, Doi et al. teaches service-management server (see column 5 line 11 and figure 4 box 1 it is inherent that server is executed by a set of instruction; and column 13 line 10-22 and 53-67 and column 14 line 4-13 teaches cross-connection definition and service definition file) and disclose all the**

Art Unit: 2619

limitations as discussed in the rejection of claims 1-10 and are therefore apparatus claims 11-20 are rejected using the same rationales.

Regarding claims 21-31, Doi et al. teaches service-management server (**see column 5 line 11 and figure 4 box 1 it is inherent that server includes processor; and peripheral computer see figure 13 box 75-77 to include processor**) and disclose all the limitations as discussed in the rejection of claims 1-10 and are therefore apparatus claims 21-31 are rejected using the same rationales.

### ***Response to Arguments***

3. Applicant's arguments, see page 16, filed 8/21/2007, with respect to objections have been fully considered and are persuasive. The objections of claim has been withdrawn.

4. Applicant's arguments, see pages 16-18, filed 8/21/2007, with respect to 11-20 have been fully considered and are persuasive. The 101 rejections of claims 11-20 have been withdrawn.

5. Applicant's arguments, see 18-19, filed 8/21/2007, with respect to 3 and 11-20 have been fully considered and are persuasive. The 112 2nd rejections of claims 3 and 11-20 have been withdrawn.

6. Applicant's arguments, see remarks pages 22-24, filed 8/21/2007, with respect to claims 1-3 and 5-10 have been fully considered and are persuasive. The 35 U.S.C. 102(e) rejection as being anticipated by Gorman of claims 1-3 and 5-10 has been withdrawn.

Art Unit: 2619

7. Applicant's arguments filed 8/21/2007 (page 19-22) have been fully considered but they are not persuasive.

With regards of applicant's argument (page 21 line 5-6), the applicant submitted that there is no first and second communication paths between nodes F and G. The examiner is respectfully disagree.

Doi does disclose an original work path which corresponds to as first communication path, where the path is selected to communicate between edge 1 and edge 7 via node A, node D and node G and node J (see col.14 line 45 – col. 15 line 36). And it is possible to cancel a route selection. An example is presented by Doi, when selections of link (a7), the node G, the link (a10), the node J and the edge (7) are nullified, information on the output-side port of the node D is reset, so that the node D falls into a status of no-detail setting. Starting from this condition, the nodes F, I, G, and J may be selected successively so as to establish a different route between the node (1) and the node (7) (see col.15 line 37 - 46). The forming of virtual path as being a part of the reselection path, which corresponds to second communication path, and this path is independent of the original working path. Therefore, it meets the limitations of establishing a second communication path that is independent of a first communication that couples at least two end points via at least a first broad network.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2619

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wutchung Chu whose telephone number is 571 270 1411. The examiner can normally be reached on Monday - Friday 1000 - 1500EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan D. Orgad can be reached on 571 272 7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2619

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WC/  
Wutchung Chu

EDAN . ORGAD  
SUPERVISORY PATENT EXAMINER

*Edan Orgad* 10/29/07